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Atty. Dkt. No. 071949-2404



TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth F. Buechler, et al.

Title: HYBRID PHTHALOCYANINE
DERIVATIVES AND THEIR
USES

Appl. No.: 09/776,599

Filing Date: 02/01/2001

Examiner: Jon D. Epperson

Art Unit: 1639

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p><u>Germaine Sarda</u> (Printed Name)</p> <p><u>Germaine Sarda</u> (Signature)</p> <p><u>December 2, 2003</u> (Date of Deposit)</p>
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INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant submits herewith a listing of the documents cited by or submitted to the U.S. PTO in parent application Serial Nos. 08/274,534, filed July 12, 1994; 08/409,298, filed 03/23/1995; 08/620,597, filed March 22, 1996 and 09/066,255, filed April 24, 1998. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to

antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits after the filing of a request for continued examination under §1.114.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date December 2, 2003

By Barry S. Wilson

FOLEY & LARDNER
Customer Number: 30542
Telephone: (858) 847-6722
Facsimile: (858) 792-6773

Barry S. Wilson
Attorney for Applicant
Registration No. 39,431

24/06



FORM PTO-1449 LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO.	SERIAL NO.
	071949-2404	09/776,599
	APPLICANT:	
	Buechler et al.	
	FILING DATE:	GROUP:
	02-01-2001	1639

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE	
AA	5,634,028	5/6/97	Tai et al.	435	6	11/3/93	

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		
AB	Ben-Hur, E., et al. "Phthalocyanine-Induced Photohemolysis: Structure-Activity Relationship and The Effect of Fluoride," <i>Photochemistry and Photobiology</i> 58: No. 3, 351-355 (1993)	
AC	Kudrevich, et al. "Syntheses of Monosulfonated Phthalocyanines, Benzonaphthoporphyrins and Porphyrins via the Meerwein Reaction," <i>Journal of The Chemical Society: Perkin Transactions 1</i> 2767-2774 (1994)	
AD	Margaron, P. et al. "Photodynamic Properties of Naphthosulfobenzoporphyrine Derivatives," <i>Journal of Photochemistry and Photobiology</i> 14:187-199 (1992)	
AE	Margaron, P. et al. "Chromatographic Analysis of Asymmetric Sulphophthalocyanines Using a Diode-array Detector," <i>Journal of Chromatography</i> 634: 57-64 (1993)	

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	



Notice of References Cited			09/776,599 filed 02-01-2001		
			Examiner	Group Art Unit	
			Epperson	1639	
U.S. PATENT DOCUMENTS					
	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,135,717	8/1992	Renzoni et al	422	81
B	4,803,170	2/1989	Stanton et al	436	518
C	4,434,236	2/1984	Freitag	436	512
D					
E					
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M					
FOREIGN PATENT DOCUMENTS					
	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS
N					
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T					
NON-PATENT DOCUMENTS					
	DOCUMENT (including Author, Title, Source, and Pertinent Pages)				DATE
U					
V					
W					
X					



1902

FORM PTO-1449		SERIAL NO. 09/776,599	
LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT		Buechler et al.	
(Use several sheets if necessary)		FILING DATE: 02-01-2001	GROUP: 1639
Fluorescence Energy Transfer and Intramolecular Energy Transfer in Particles Using Novel Compounds			

U.S. PATENT DOCUMENTS										
EXAMINER INITIAL	DOCUMENT NUMBER							DATE	NAME	CLASS SUB CLASS
	AA	5	3	2	6	6	9	2	07/05/94	Brinkley, et al.
	AB	4	1	6	8	1	0	5	08/28/79	Hirschfeld
	AC	4	1	9	9	5	5	9	04/22/80	Ullman et al.
	AD	4	7	7	7	1	2	8	10/11/88	Uppa
	AE	5	1	5	4	8	8	7	10/13/92	Bobb
	AF	5	1	5	7	4	1	2	10/20/92	Kleinrichmidt et al.
	AG	5	1	9	4	3	9	3	03/16/93	Hugl et al.
	AH	5	1	2	3	7	3	1	06/23/92	Yoshinaga et al.
	AI	5	1	1	6	9	8	9	05/26/92	Hale et al.
	AJ	5	0	5	5	4	1	4	10/08/91	Bobb et al.
	AK	4	8	8	6	8	8	2	05/19/87	Chen
	AL	4	5	4	2	1	0	4	09/17/85	Stryer et al.
	AM	3	9	9	8	3	4	5	12/07/78	Ullman et al.
	AN	5	1	3	2	2	0	6	07/21/92	Dreyer

FOREIGN PATENT DOCUMENTS										
EXAMINER INITIAL	DOCUMENT NUMBER							DATE	COUNTRY	CLASS SUB CLASS
	AO	0	0	7	6	6	9	5	13-04-83	EPA (Stryer et al.)
	AP	0	0	7	5	9	8	2	08-04-83	EPA (Baronci et al.)
	AQ	0	4	0	7	1	8	8	09-01-91	EPA (Bosley et al.)
	AR	9	3	2	3	4	9	2	11-25-93	WO/CT 93/23492 (Brinkley)
	AS	8	8	0	4	7	7	7	06-30-88	WO/CT 88/04777 (Stanton)
	AT	0	5	9	7	3	8	9	18-05-94	EPA (Ta et al.)

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)										
	AU	Polcan, O. et al. "Direct Energy Transfer Studies on Doped and Labelled Polymer Latex Particles" <i>Physical Review Letters</i> 61:641-644 (Aug. 1, 1988)								
	AV	Stryer, Lubert, "Fluorescent Energy Transfer As A Spectroscopic Ruler" <i>Ann. Rev. Biochem.</i> 47:519-46 (1978)								
	AW	Molecular Probes Ad entitled "Novel Fluorescent Latex Microspheres - Transfluospheres A Breakthrough in Latex Microsphere Technology (1994)"								
	AX	Wheeler, B.L. et al., "A Silicon Phthalocyanine and a Silicon Naphthalocyanine: Synthesis, Electrochemistry, and Electrogenerated Chemiluminescence," <i>J. Am. Chem. Soc.</i> 106:7404-7410 (1984)								

EXAMINER:	DATE CONSIDERED:
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*EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 509; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication.

2402



TO SEPARATE, HOLD TOP AND BOTTOM EDGES, SNAP-APART AND DISCARD CARBON

FORM PTO-452 (REV. 2-92)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		SERIAL NO. 09/776599	GROUP/ART UNIT 1639	ATTACHMENT TO PAPER NUMBER	
NOTICE OF REFERENCES CITED				APPLICANT(S) Buechler et al.			
U.S. PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	NAME	CLASS	SUB-CLASS	FILED DATE IF APPROPRIATE	
A	5484685	01/96	TAI et al. (X)	540	452	05/91	
B	5039798	08/91	JOHNSON	540	123		
C	5473723	04/95	ARRHENIUS	540	125		
D	5423152	07/95	HAYASHIDA et al.	540	125		
E							
F							
G							
H							
I							
J							
K							
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUB-CLASS	PERTINENT SPTS. OR SPEC.
L							
M							
N							
O							
P							
Q							
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)							
R	(R) Only Abs & Claims of TAI is being submitted 12/15/01						
S							
T							
U							
EXAMINE		DATE					



FORM PTO-1449		ATTY. NO. / ET NO. 071949-2404	CODING NO. 09/776599
LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		APPLICANT: Buechler et al.	
		FILING DATE: 02-01-2001	GROUP: 1639

U.S. PATENT DOCUMENTS													
EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUB CLASS	FILING DATE
	AA	5	3	2	6	6	9	2	05/07/94	Brinkley et al.	435	6	05/13/92
	AB	4	1	6	6	1	0	5	08/28/79	Hirschfield	424	8	12/20/74
	AC	4	1	9	9	5	5	9	04/23/80	Ullman et al.	424	8	02/07/77
	AD	4	7	7	7	1	2	8	10/11/88	Lippa	435	5	05/27/86
	AE	5	1	5	4	8	8	7	10/13/92	Bobo	422	56	05/28/91
	AF	5	1	5	7	4	1	2	10/20/92	Kleinschmidt et al.	346	1.1	05/22/90
	AG	5	1	9	4	3	9	3	03/16/93	Hugh et al.	436	525	11/08/90
	AH	5	1	2	3	7	3	1	06/23/92	Yoshinaga et al.	356	73	09/13/91
	AI	5	1	1	6	9	8	9	05/26/92	Hale et al.	546	265	05/30/89
	AJ	5	0	5	5	4	1	4	10/08/91	Bobo et al.	436	501	07/05/88
	AK	4	6	6	6	8	6	2	05/19/88	Chan	436	501	09/14/84
	AL	4	5	4	2	1	0	4	09/17/85	Soyer et al.	436	536	04/06/83
	AM	3	9	9	6	3	4	5	12/07/76	Ullman et al.	424	12	06/30/75
	AN	5	1	3	2	2	0	6	07/21/92	Dreyer	435	6	10/20/88
	AO	5	0	8	9	3	9	1	02/18/92	Buechler et al.			
	AP	4	1	9	9	3	6	3	04/23/80	Chen			
	AQ	4	4	7	6	2	2	9	10/09/84	Fino et al.			
	AR	4	3	6	8	2	5	8	01/11/83	Fujihara et al.			
	AS	5	2	4	8	7	8	2	09/28/93	Houghtland et al.			
	AT	5	2	7	4	1	1	3	12/28/93	Kang et al.			
	AU	5	1	8	7	2	8	8	02/16/93	Kang et al.			
	AV	4	5	1	0	2	5	1	04/09/85	Kikerno et al.			
	AW	4	3	2	6	0	0	8	04/20/82	Rembaum			
	AX	4	6	0	9	6	8	9	09/02/86	Schwartz et al.			
	AY	4	4	2	0	5	6	8	12/13/83	Wang et al.			

FOREIGN PATENT DOCUMENTS														
EXAMINER INITIAL		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
		YES	NO											
	AZ		0	7	6	6	9	5	13.04.83	EPO	33	58		
	BA		0	7	5	9	8	2	06.04.83	EPO	33	58		
	BB	0	4	0	7	1	8	8	09.01.91	EPO	33	58		
	BC	9	3	2	3	4	9	2	25.11.93	WOPT				

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FORM PTO-1449		ATTY. DOCKET NO. 071949-2404	SERIAL NO. 09/776599
LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT			
(Use several sheets if necessary)			
		APPLICANT: Buechler et al.	
		FILING DATE: 02-01-2001	GROUP: 1639

CA	Mayhew et al., "Ch. 2 - Preparation of Liposomes Entrapping Cancer Chemotherapeutic Agents for Experimental In Vivo and In Vitro Studies," <u>Liposome Technology</u> , Volume II, Gregoriadis editor, CRC Press Inc., pp. 19-31 (1984)
CB	McHugh and Gouterman, "Porphyrins XXIV. Energy, Oscillator Strength, and Zeeman Splitting Calculations (SCMO-CI) for Phthalocyanine, Porphyrins, and Related Ring Systems," <u>Theoret. Chim. Acta</u> (Berlin) 24:346-370 (1972)
CC	Mikhailenko et al., "Phthalocyanines and Related Compounds," <u>J. Org. Chem.</u> (USSR (English Translation) 8:341-343 (1972)
CD	Molecular Probes Ad entitled "Novel Fluorescent Latex Microspheres - Transfluospheres a Breakthrough in Latex Microsphere Technology" (1994)
CE	Pariser et al., "A Semi-Empirical Theory of the Electronic Spectra and Electronic Structure of Complex Unsaturated Molecules. II," <u>J. Chem. Phys.</u> 21:767-776 (1953)
CF	Pekcan et al., "Energy-Transfer Studies on Doped and Labeled Polymer Latex Particles," <u>Physical Review Letters</u> 61:641-644 (1988)
CG	Pople, "Electron Interaction in Unsaturated Hydrocarbons," <u>Trans. Faraday Soc.</u> 49:1375-1385 (1953)
CH	Stryer, "Fluorescence Energy Transfer as a Spectroscopic Ruler," <u>Annual Review of Biochemistry</u> 47:819-846 (1978)
CI	Van Arman et al., "General Fluorescence Assay for Enzyme-Catalyzed Polyanion Hydrolysis Based on Template-Directed Excimer Formation. Application to Heparin and Polyglutamate," <u>J. Am. Chem. Soc.</u> 112:5376-5377 (1990)
CJ	Wheeler et al., "A Silicon Phthalocyanine and Silicon Naphthalocyanine: Synthesis, Electrochemistry and Electrogenerated Chemiluminescence," <u>J. Am. Chem. Soc.</u> 106:7404-7410 (1984)

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if reference is considered, whether or not citation is in conformance with USPC Can. Rules for citation	